

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re POLYURETHANE FOAM ANTITRUST
LITIGATION

This document relates to:

INDIRECT PURCHASER CASES: 11 pf 10002 and
11 pf 10010

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)
) MDL Docket No. 2196
) Index No. 10-MD-2196 (JZ)

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) MOTION TO CONSOLIDATE
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)

Now comes Indirect Purchaser Plaintiffs, Greg Beastrom, Seth Brown, Marjean Coddon, Susan Gomez, Joseph Jasinski, Henry Johs, Joseph Lord, Kirsten Luenz, Lisa Murphy, Gerald & Kathleen, Nolan, Kory Pentland, Jonathan Rizzo, Michael Schwartz, Larry Scott, Catherine Wilkinson, Jeffrey S. Williams, and The Parker Company as authorized agent for the following: Met 2 Hotel LLC; Bachelor Gulch Properties, LLC; MPE Hotel I (Washington), LLC; and New York Hotel Tenant Co., LLC (“Indirect Purchaser Plaintiffs”), individually and on behalf of a class of all those similarly situated, and hereby move this court, pursuant to Fed. R. civ. P. 42, for an order consolidating, for all purposes, the following two cases: *Gomez v. Hickory Springs Manufacturing Company et al*, 11 pf 10002 and *Beastrom et al v. Carpenter Company et al*. 11 pf 100010.

Both cases are indirect purchaser plaintiff class actions filed in the Northern District of Ohio and both are part of *In re Polyurethane Foam Antitrust Litigation*, MDL 2196 now pending in this Court. In both cases Plaintiffs allege the same conduct by the same Defendants and therefore both cases involve a common question of law and fact. Consolidation will therefore avoid unnecessary costs and delay. Both cases will remain with this Court even if any other case in the MDL proceeding may be transferred back to the district where it was originally filed.

Consistent with this Court's direction at the conclusion of the hearing on July 1, 2011, Plaintiffs' counsel proposed consolidation to Defendants' Liaison counsel who rejected the concept of consolidation "at this early stage of the litigation..." Consistent with this Court's inherent authority to control its docket and as it did on May 3, 2011 when it consolidated a similar case filed in this district subsequent to *Gomez*, [Dkt. # 117] it should also consolidate 11-pf-10010 with 11-pf-10002.

Indirect Purchaser Plaintiffs therefore respectfully request that cases 11-pf-10002 and 11-pf-100010 be consolidated for all purposes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been electronically filed this 26th day of July 2011. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and in accordance with local rules and the Federal Rules of Civil Procedure.

/s/ Kimberly A. Conklin